

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

May 6, 2019

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SHAKEEL KAHN,

Defendant - Appellant.

No. 18-8079
(D.C. No. 2:17-CR-00029-ABJ-1)
(D. Wyo.)

ORDER AND JUDGMENT*

Before **HARTZ, BACHARACH**, and **EID**, Circuit Judges.

Defendant appeals from the district court's order dated October 3, 2018, denying his motion for release pending trial. Defendant is charged with more than twenty counts of violations of the Controlled Substances Act. He was originally released on bond with conditions, but his bond was revoked when the district court found that he had violated conditions of release by contacting a witness. Since then he has filed three motions seeking release, all of which have been denied. Defendant

* After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument. This order and judgment is not binding precedent, except under the doctrines of law of the case, *res judicata*, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

now appeals the most recent denial, arguing that his prolonged pretrial detention violates his right to due process.

In reviewing the district court's order denying release, this court reviews mixed questions of law and fact de novo, and factual findings for clear error. *United States v. Cisneros*, 328 F.3d 610, 613 (10th Cir. 2003).

Having reviewed the parties' filings in this court and the district court order and filings, we affirm the district court's order denying release for substantially the reasons stated in its October 3, 2018 order. Specifically, we find no error in the district court's ruling that defendant's pretrial detention to this point does not violate his due process rights under the particular circumstances of this case.

Entered for the Court
Per Curiam